

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

AMERICAN DELI INTERNATIONAL,
INC., and AMERICAN DELI PLUS,
INC.

Plaintiffs,

v.

CIVIL ACTION NO.
1:12-CV-4031-JEC

BO A CHO CORPORATION,
KI JOON KOO and HEE SOOK KIM,

Defendants.

OPINION & ORDER

This case is before the Court on plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction [21] and their Renewed Motion for Preliminary Injunction. In their motions, plaintiffs, the franchisor, averred that defendants, the franchisee and its agents, were in breach of the franchise agreement and, accordingly, requested that, defendants be directed to cease operations of their American Deli restaurant at the Macon Mall, in Macon, Georgia.

The Court has inquired of plaintiffs whether the request for injunctive relief is now moot. Plaintiffs' counsel has indicated that the request for injunctive relief is likely moot. That is, counsel indicates that the defendants have ceased to operate at the Macon Mall under plaintiffs' trademarks and are either operating

under a new name or have sold their former operation to a new owner who is also operating under a new name. Indeed, a search of the web site for the Macon Mall indicates that there is no American Deli restaurant currently in operation.

Nonetheless, plaintiffs' counsel also indicates that the claim for damages is not moot and that counsel will need further discovery before that dispute is ready to be determined. Further, plaintiffs' counsel indicates its intention to discuss mediation with defendants, upon receipt of all discovery.

Accordingly, the Court **DENIES** without prejudice plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction [21] and their Renewed Motion for Preliminary Injunction [29]. By **April 30, 2014**, plaintiffs shall indicate how they wish to proceed in this matter and shall submit a proposed scheduling order. Defendants shall cooperate in the preparation of the latter.

SO ORDERED, this 24th day of March.

/s/ Julie E. Carnes
JULIE E. CARNES
CHIEF UNITED STATES DISTRICT JUDGE